

I accepted a compulsory purchase order for a family home located in an area of outstanding scenic beauty, not just my description, but one shared by no less a body than the Scottish Tourist Board. Albeit a two bed-roomed cottage, a grand country house could have stood proudly in the surrounding private grounds. We were home to an abundance of indigenous wild life and over several years, had the privilege of nurturing several families of red squirrels – a recognised endangered species in Great Britain.

There are probably quite a few homes in Scotland whose property could be described as idyllic, this was certainly one such. With its private tarmacadamed 80 metre driveway and a gated access opening directly on to the A9 road with over an acre of mature gardens overlooking the river Tay, without even the remotest chance of flood. The ancient cathedral city of Dunkeld, a mere 15 minute riverside walk away, a main line rail link to London but a five minute drive from our door. Perth; recently awarded city status, a 12 mile uncongested drive away and the international hubs of Edinburgh and Glasgow within an hour by rail, car, bus or train.

My home was absolutely and totally unique thus falling completely within your own description “not susceptible to measurement in money”. Indeed, every visitor would make that envious observation.

Notwithstanding all of the foregoing, my Home Loss Payment was precisely that which I would have received if I had resided in a former council property on a sprawling urban estate. Not for one moment am I suggesting that could not similarly be a cherished home, but as a means of deciding a monetary award for its loss, it is sadly lacking in both sense and reason.

You recognise the value of the home to the owner may go beyond strict market value, but fail to observe said recognition when calculating the payment, covering any supposed shortfall with the Home Loss Payment. This is calculated at 10%, but in Scotland ONLY, to a maximum of £15,000.00. In England, the loss of one’s home is calculated with very much more sympathy to the home loser by a firmly stated percentage of the value of the property. Being forced to abide by this ruling denied me at least a further £20,000.00 compensation.

This country masquerades under the title of UNITED Kingdom, further qualified in a recent referendum. My question is very simple; in the prevailing circumstances, why is the loss of my cherished home deemed to be greater in England than in Scotland.

Your discussion paper identifies other criteria – *general issues 17.4 and 17.5* – prior to 1919 where a cpo might be beneficial to financial investors.

With particular regard to the above paragraph, my own investigations through a noted civil engineering company, revealed that purchase of my property would save construction costs in excess of 1.5 million pounds in additional groundworks and cpo’s on other properties, which would need to have been bought if Transport Scotland had failed to secure my property and been compelled to navigate round it. In my opinion, these circumstances were sufficient grounds for a payment significantly in excess of the current market value and quite possibly enabled me to purchase a suitable property in the immediate Dunkeld area instead of moving far away from it.

Item 17.8 states the Scottish Ministers have the power to alter the thresholds for Home Loss Payments at any time. If there is no wish to exercise this option as a general policy, then in my opinion there should be the opportunity for people in my predicament to appeal for a greater payment to, at the very least, match that which is available in England.

I trust the foregoing might be helpful in your deliberations, but your debate should definitely raise the following questions:-

1. Is 10% of the property value a fair basis on which to calculate the loss of one’s home.
2. Does it represent an equitable outcome to all parties.
3. Should the percentage be a higher rate.
4. Should there be a recognised sliding scale.
5. Should there be a right to appeal.